

WITNESS EXAMINATION OUTLINES
TRIAL NOTEBOOK

Santa Cruz De Leon Saucedo and Martha Martinez

v.

Iraissy Montalvo Reyna

Cause No. C-2344-19-E

275th District Court, Hidalgo County, Texas

WITNESS ORDER

#	WITNESS	ROLE	EST. TIME
1	Santa Cruz De Leon Saucedo	Plaintiff (Driver)	30-40 min
2	Martha Martinez	Plaintiff (Passenger)	25-35 min
3	Officer G. Valdez	Investigating Officer	15-20 min
4	Dr. David Gosalvez, III, DC	Treating Chiropractor	20-25 min
5	Dr. Jorge Saenza, MD	Pain Management	20-25 min
6	Iraissy Montalvo Reyna	Defendant (Adverse)	15-20 min

SANTA CRUZ DE LEON SAUCEDA

Plaintiff – Driver of 2008 Chevrolet HHR

DIRECT EXAMINATION

A. Background and Orientation

[Humanize the witness. Let the jury see her as a real person.]

- Q: Please tell the jury your name.
- Q: Where do you live?
- Q: How long have you lived in the Rio Grande Valley?
- Q: Are you married?
- Q: Do you have children?
- Q: What kind of work do you do?
- Q: Does your job require physical movement, like bending, lifting, or standing for long periods?
- Q: Before September 28, 2017, had you ever been involved in a lawsuit before?
- Q: Before that date, did you have any ongoing problems with your lower back?
- Q: Were you taking any pain medication regularly before that date?

B. The Day of the Collision – September 28, 2017

[Set the scene. Make the jury see it.]

- Q: I want to take you back to September 28, 2017. Were you working that day?
- Q: After work, were you driving somewhere?
- Q: Who was in the car with you?
- Q: What is your relationship to Martha Martinez?
- Q: What kind of vehicle were you driving?
- Q: Was that your vehicle?
- Q: What road were you on when this collision happened?
→ **EXHIBIT: Police Report – Exhibit 1**
- Q: Can you describe FM 3072 for the jury – is it a two-lane road or a highway?
- Q: Which direction were you traveling?
- Q: Which lane were you in – the inside lane or the outside lane?

C. The Moments Before Impact

- Q: At the time of this collision, was your vehicle moving or stopped?
- Q: Why had you stopped?
- Q: How long had you been stopped before you were hit?
- Q: Did you have your foot on the brake?
- Q: Were your brake lights working?
- Q: Were you wearing your seatbelt?

- Q: Was Ms. Martinez wearing her seatbelt?
- Q: Did you do anything suddenly or unexpectedly just before the impact?
- Q: Did you reverse your vehicle?
- Q: Did you change lanes suddenly?
- Q: Did you hear a horn or receive any warning before you were hit?

D. The Impact

[Slow down here. Let her describe it.]

- Q: What is the first thing you remember about the collision?
- Q: Can you describe what you felt when the impact happened?
- Q: What did it feel like inside the car?
- Q: What happened to your body when you were hit?
- Q: Did any part of your body hit anything inside the vehicle?
- Q: What did you hear?
- Q: What happened to your vehicle after it was struck?
- Q: Did your car move forward from the force of the impact?

E. Immediately After the Collision

- Q: What did you do immediately after the collision?
- Q: Were you able to get out of your car?
- Q: Did you check on Ms. Martinez?
- Q: How did she appear to you?
- Q: Did the police arrive at the scene?
- Q: Do you remember the officer's name?
- Q: Did the officer ask you questions about what happened?
- Q: Did the officer ask if you were okay?
- Q: Did the officer ask if you needed an ambulance?
- Q: At that moment, did you feel severe pain, or were you mostly shaken and nervous?

⚠ Do not volunteer information about cell phone – let defense raise it if they want.

F. Onset of Pain – Delayed Symptoms

[Critical section. Addresses 'no ambulance' issue.]

- Q: Later that day or that evening, did you begin to feel any pain?
- Q: Where did you first feel that pain?
- Q: The next morning, how did your body feel when you tried to get up?
- Q: How did your lower back feel when you tried to move around?
- Q: Before this collision, had you ever felt that kind of pain in your lower back?
- Q: Did the pain get better or worse over the next few days?

G. Effect on Daily Life and Work

- Q: Did that pain affect your ability to do everyday activities?
- Q: Did it affect your ability to bend?
- Q: Did it affect your ability to lift things?
- Q: Did it affect your ability to sit for long periods?
- Q: Did it affect your ability to work?
- Q: Were there days you missed work because of the pain?
- Q: When you did go to work, were you working in pain?
- Q: Did the pain affect your sleep?
- Q: Did the pain affect your ability to care for your family?
- Q: What activities did you enjoy before this collision that you can no longer do?

H. Medical Treatment – Chiro Sync

[Establish conservative care pathway.]

- Q: Because the pain did not go away, did you eventually seek medical treatment?
- Q: Where did you first go for treatment?
- Q: Before this accident, had you ever been to a chiropractor?
- Q: When you first went to Chiro Sync, what was your main complaint?
- Q: Who treated you there?
- Q: What kind of treatment did Dr. Gosalvez provide?
- Q: How often did you go for treatment?
- Q: Did the treatment help?
- Q: Did it completely resolve your pain, or did you still have symptoms?
 - **EXHIBIT: Medical Records – Chiro Sync (Exhibit 5a)**
 - **EXHIBIT: Medical Bills – Chiro Sync: \$7,815.00**

I. Medical Treatment – Diagnostic Imaging

- Q: Because the pain continued, were you referred for additional testing?
- Q: Did you have an MRI or other imaging done?
- Q: Where did you go for that imaging?
- Q: Were you told what the imaging showed?
 - **EXHIBIT: Medical Records – Upper Valley Radiology (Exhibit 5c)**
 - **EXHIBIT: Medical Records – Digital Views (Exhibit 5d)**
 - **EXHIBIT: Medical Bills – Upper Valley Radiology: \$2,500.00; Digital Views: \$950.00**

J. Medical Treatment – Texas Pain Clinic

- Q: After the imaging, were you referred to another doctor?
- Q: Were you referred to Texas Pain Clinic?
- Q: Who did you see there?

- Q: Why were you referred to a pain management doctor?
- Q: Did Dr. Saenza recommend any specific treatment?
- Q: Did he recommend injections?
- Q: Were you nervous or hesitant about getting an injection?
- Q: Did you eventually go through with it?
- Q: After the injection, did you feel any relief?
- Q: How long did that relief last?
- Q: Did the pain eventually return?
 - **EXHIBIT: Medical Records – Texas Pain Clinic (Exhibit 5b)**
 - **EXHIBIT: Medical Bills – Texas Pain Clinic: \$5,275.00**

K. Limits on Further Treatment

[Address gap in treatment honestly.]

- Q: After the pain came back, did you continue with additional treatment?
- Q: Why not?
- Q: Did the cost of treatment affect your ability to continue?
- Q: Did insurance coverage affect your ability to continue treatment?
- Q: If you could have continued treatment, would you have?

L. Total Medical Expenses

- Q: Have you received bills for all of the medical treatment you received as a result of this collision?
- Q: Do you know what the total of those bills is?
 - **EXHIBIT: Summary of Medical Expenses – Exhibit 7: \$16,540.00 total**
- Q: Did you pay for any of this treatment out of pocket?
- Q: Did you have any other expenses because of this collision – medications, travel to appointments?

M. Current Condition

[Bring jury to present day.]

- Q: As you sit here today, do you still have pain from this collision?
- Q: Where do you feel that pain?
- Q: How often do you experience that pain?
- Q: On a scale of 1 to 10, with 10 being the worst pain imaginable, what is your typical pain level?
- Q: What do you do when the pain is bad?
- Q: Does that pain still affect your ability to work?
- Q: Does it affect your ability to do daily activities?
- Q: Is your life the same today as it was before September 28, 2017?
- Q: Do you believe you will ever be completely free of this pain?

N. Conclusion

Q: Ms. Saucedo, if you could go back to that day and prevent this collision from happening, would you?

Q: Is there anything else you want this jury to know about how this collision has affected your life?

[Pass the witness.]

CROSS-EXAMINATION – ANTICIPATED DEFENSE QUESTIONS

[Prepare witness for these topics.]

Likely Defense Lines of Attack

Q: You didn't go to the emergency room after this collision, did you?

Q: No ambulance was called, correct?

Q: You drove yourself home after the accident?

Q: You didn't start treatment until [X days] after the collision?

Q: You stopped treating after [date], correct?

Q: You haven't seen a doctor for these injuries in [X months/years]?

Q: You continued working after this collision?

Q: You didn't have surgery?

Q: The damage to your vehicle wasn't severe, was it?

Regarding Prior Conditions

Q: You've had back pain before this collision, haven't you?

[If true, prepare witness to distinguish prior minor issues from collision-related injury.]

Regarding Treatment

Q: You were referred to the chiropractor by a lawyer, weren't you?

Q: You treated on a lien, correct?

REDIRECT EXAMINATION

[Short. Rehabilitate only what was damaged on cross.]

If Defense Attacked 'No Ambulance'

Q: When the officer asked if you needed an ambulance, you were still in shock, weren't you?

Q: At that moment, did you know you were injured?

Q: When did you first realize you were hurt?

Q: Did the pain get worse after you left the scene?

If Defense Attacked Gap in Treatment

Q: You stopped treating – was that because you were cured?

Q: Why did you stop treating?

Q: If you could have afforded to continue treatment, would you have?

Q: Do you still have pain today?

If Defense Attacked Vehicle Damage

Q: Did the amount of damage to your car change how your body felt inside when you were hit?

Q: When that impact happened, did your body feel it?

If Defense Attacked Prior Conditions

Q: Before September 28, 2017, were you seeing doctors regularly for back pain?

Q: Before September 28, 2017, were you taking prescription pain medication?

Q: Before September 28, 2017, were you missing work because of back pain?

Q: What changed after this collision?

MARTHA MARTINEZ

Plaintiff – Passenger in 2008 Chevrolet HHR

DIRECT EXAMINATION

A. Background and Orientation

- Q: Please tell the jury your name.
- Q: Where do you live?
- Q: Are you married?
- Q: Do you have children?
- Q: At the time of the collision, what kind of work did you do?
- Q: What did that work involve – did it require physical labor?
- Q: Did it require use of your hands and arms?
- Q: Before September 28, 2017, had you ever had problems with your neck?
- Q: Had you ever had problems with your back?
- Q: Had you ever had problems with your hip?
- Q: Were you taking any pain medications regularly before that date?

B. Relationship to Ms. Saucedo

- Q: What is your relationship to Santa Cruz De Leon Saucedo?
- Q: On September 28, 2017, were you riding as a passenger with Ms. Saucedo?
- Q: Where were you seated in the vehicle?

C. The Collision

- Q: Before the collision, was the vehicle you were in moving or stopped?
- Q: Were you wearing your seatbelt?
- Q: Did Ms. Saucedo do anything suddenly or unexpectedly before the impact?
- Q: Did she suddenly brake or swerve?
- Q: What is the first thing you remember about the collision?
- Q: What did you feel when the vehicle was struck?
- Q: Did you feel the seatbelt lock against your body?
- Q: What happened to your body when the impact occurred?
- Q: Did any part of your body hit anything inside the car?

D. Immediately After the Collision

- Q: What did you do immediately after the collision?
- Q: Were you able to get out of the car?
- Q: Did the police arrive?
- Q: Did the officer ask if you needed medical attention?

Q: At that moment, did you feel severe pain?

Q: How would you describe how you felt at the scene?

E. Onset of Pain – Delayed Symptoms

Q: Later that day or that evening, did you begin to feel any pain?

Q: Where did you first feel that pain?

Q: Did you notice any pain in your neck?

Q: Did you notice any pain in your back?

Q: Did you notice any pain in your hip?

Q: The next morning, how did your body feel?

Q: Before this collision, had you ever felt that kind of pain?

F. Effect on Daily Life and Work

Q: Did these injuries affect your ability to work?

Q: Did you miss time from work?

Q: What activities became difficult for you after this collision?

Q: Did the pain affect your sleep?

Q: Did it affect your ability to care for your home and family?

G. Medical Treatment – Chiro Sync

Q: Did you seek medical treatment for your injuries?

Q: Where did you first go for treatment?

Q: Did you treat at the same clinic as Ms. Saucedo?

Q: Were you treated for your own injuries?

Q: What areas of your body were treated?

Q: Who treated you?

Q: What kind of treatment did you receive?

Q: Did the treatment help?

→ EXHIBIT: Medical Records – Chiro Sync (Exhibit 6a)

→ EXHIBIT: Medical Bills – Chiro Sync: \$7,590.00

H. Medical Treatment – Diagnostic Imaging

Q: Did you have imaging studies done – MRIs or X-rays?

Q: Where did you go for that imaging?

Q: What parts of your body were imaged?

→ EXHIBIT: Medical Records – Upper Valley Radiology (Exhibit 6c)

→ EXHIBIT: Medical Records – Digital Views (Exhibit 6d)

→ EXHIBIT: Medical Bills – Upper Valley Radiology: \$5,000.00; Digital Views: \$950.00

I. Medical Treatment – Texas Pain Clinic

Q: Because the pain continued, were you referred to additional care?

Q: Did you receive treatment at Texas Pain Clinic?

Q: Who treated you there?

Q: Did you receive injections?

Q: After the injections, did you feel improvement?

Q: Did the pain eventually return?

→ **EXHIBIT: Medical Records – Texas Pain Clinic (Exhibit 6b)**

→ **EXHIBIT: Medical Bills – Texas Pain Clinic: \$6,925.00**

J. Total Medical Expenses

Q: Do you know the total amount of your medical bills from this collision?

→ **EXHIBIT: Summary of Medical Expenses – Exhibit 7: \$20,465.00 total**

K. Current Condition

Q: As you sit here today, do you still have pain from this collision?

Q: Where do you feel that pain?

Q: How often do you experience it?

Q: Does it still affect your daily activities?

Q: Is your life the same today as it was before this collision?

L. Conclusion

Q: Ms. Martinez, if you could go back and prevent this collision, would you?

Q: Is there anything else you want this jury to know?

[Pass the witness.]

CROSS-EXAMINATION – ANTICIPATED DEFENSE QUESTIONS

Likely Defense Lines of Attack

- Q: You didn't go to the emergency room, correct?
- Q: You didn't call an ambulance?
- Q: You continued working after this collision?
- Q: Your injuries didn't require surgery?
- Q: You stopped treatment after [date]?

Regarding the Collision

- Q: You were a passenger, so you weren't looking at the road, were you?
- Q: You don't know exactly what Ms. Saucedá was doing before the impact?
[Prepare witness: 'I know we were stopped and did nothing wrong.']

REDIRECT EXAMINATION

If Defense Attacked 'No Ambulance'

Q: When you left the scene, did you know you were going to be in pain?

Q: When did the pain become clear to you?

If Defense Attacked Treatment

Q: You stopped treating – was that because you were cured?

Q: Do you still have symptoms today?

OFFICER G. VALDEZ

Investigating Officer – Hidalgo Police Department

DIRECT EXAMINATION

A. Qualifications

- Q: Please state your name and occupation.
- Q: How long have you been a police officer?
- Q: What department do you work for?
- Q: As part of your duties, do you investigate traffic collisions?
- Q: Approximately how many traffic collisions have you investigated in your career?
- Q: Have you received any specialized training in accident investigation?

B. Response to Scene

- Q: On September 28, 2017, were you dispatched to a traffic collision?
- Q: What was the location?
- Q: Approximately what time did you arrive at the scene?
- Q: When you arrived, were the vehicles still at the scene?
- Q: Can you describe the scene as you found it?
→ **EXHIBIT: Police Report – Exhibit 1**

C. Investigation

- Q: Did you examine the vehicles involved?
- Q: Can you describe the damage you observed?
- Q: Which vehicle sustained damage to the rear?
- Q: Did you observe the roadway?
- Q: Is that stretch of FM 3072 a no-passing zone?
- Q: How do you know that?
- Q: Did you speak with the drivers?
- Q: Did you speak with Ms. Saucedo?
- Q: Did you speak with the Defendant, Ms. Reyna?

D. Determination of Fault

- Q: Based on your investigation, were you able to determine who was at fault?
- Q: What factors led you to that conclusion?
OBJECTION RISK: Defense may object to 'fault' determination – rephrase as 'contributing factors' if needed.
- Q: Did you document your findings in a crash report?
- Q: Is this a true and correct copy of that report?

E. Medical Attention at Scene

Q: Did you ask the occupants if they needed medical attention?

Q: Was an ambulance called?

Q: When a crash report indicates no ambulance was required, what does that mean?

Q: Does that mean no one was injured?

Q: Or does it mean no one required emergency transport at that moment?

[Critical question – establishes that 'no ambulance' ≠ 'no injury.']

F. Conclusion

[Keep it short. Don't overuse the officer.]

Q: Thank you, Officer. Nothing further.

CROSS-EXAMINATION – ANTICIPATED DEFENSE QUESTIONS

Likely Defense Attacks

Q: You didn't witness this collision, did you?

Q: You arrived after it happened?

Q: You're relying on what the parties told you?

Q: No citation was issued, correct?

[If citation was issued, this helps. If not, be prepared.]

Regarding Injuries

Q: No one appeared to be seriously injured at the scene?

Q: No one was bleeding?

Q: No one was transported by ambulance?

REDIRECT EXAMINATION

If Defense Attacked 'Didn't Witness'

Q: Officer, is it common for police to investigate collisions they didn't personally witness?

Q: Is that part of your job?

Q: You're trained to piece together what happened based on evidence, correct?

If Defense Attacked 'No Citation'

Q: Does the issuance of a citation determine civil liability?

Q: Your job was to investigate what happened, correct?

Q: And you documented your findings in your report?

If Defense Attacked 'No Ambulance'

Q: In your experience, do injured people sometimes decline ambulance transport?

Q: Is it common for pain from a collision to develop hours or days later?

DR. DAVID GOSALVEZ, III, D.C., CCSP

Treating Chiropractor – Chiro Sync

DIRECT EXAMINATION

[Non-retained expert. May testify to diagnosis, treatment, causation, prognosis.]

A. Qualifications

- Q: Please state your name and profession.
- Q: What does 'D.C.' stand for?
- Q: What does 'CCSP' stand for?
- Q: Where did you receive your chiropractic education?
- Q: How long have you been practicing?
- Q: Are you licensed to practice in Texas?
- Q: Where do you currently practice?
→ **EXHIBIT: CV – Dr. Gosalvez (Exhibit 17, if needed)**

B. Treatment of Ms. Saucedo

- Q: Did you treat a patient named Santa Cruz De Leon Saucedo?
- Q: When did you first see her?
- Q: What complaints did she present with?
- Q: Did she report these complaints were related to a motor vehicle collision?
- Q: What was your initial examination?
- Q: What did you find on examination?
- Q: Based on your examination, what was your diagnosis?
→ **EXHIBIT: Medical Records – Chiro Sync (Ms. Saucedo) – Exhibit 5a**

C. Treatment Plan – Ms. Saucedo

- Q: What treatment did you provide?
- Q: How often did she come in for treatment?
- Q: Over what period of time did you treat her?
- Q: Did the treatment help her symptoms?
- Q: Why did you refer her for additional care?

D. Causation – Ms. Saucedo

- Q: In your medical opinion, were her injuries consistent with a motor vehicle collision?
- Q: In your medical opinion, was the collision a cause of her injuries?
OBJECTION RISK: Defense may challenge causation opinion – be prepared to lay foundation.

E. Treatment of Ms. Martinez

Q: Did you also treat a patient named Martha Martinez?

Q: When did you first see her?

Q: What complaints did she present with?

Q: What was your diagnosis?

Q: What treatment did you provide?

→ **EXHIBIT: Medical Records – Chiro Sync (Ms. Martinez) – Exhibit 6a**

F. Causation – Ms. Martinez

Q: In your medical opinion, were Ms. Martinez's injuries consistent with a motor vehicle collision?

Q: In your medical opinion, was the collision a cause of her injuries?

G. Reasonableness and Necessity

Q: Was the treatment you provided reasonable and necessary for these injuries?

Q: Were the charges for that treatment reasonable?

→ **EXHIBIT: Medical Bills – Chiro Sync: \$7,815 (Sauceda); \$7,590 (Martinez)**

H. Conclusion

Q: Thank you, Doctor.

[Pass the witness.]

CROSS-EXAMINATION – ANTICIPATED DEFENSE QUESTIONS

Attacking Qualifications

Q: You're not a medical doctor, correct?

Q: You can't prescribe medication?

Q: You can't perform surgery?

[Prepare: 'I'm a licensed Doctor of Chiropractic trained in musculoskeletal injuries.']

Attacking Causation

Q: You didn't witness this collision?

Q: You're relying on what the patient told you?

Q: Patients can have these same symptoms from other causes?

Attacking Treatment

Q: These patients were referred to you by a lawyer?

Q: You treated them on a lien?

Q: You get paid more if there's a recovery?

REDIRECT EXAMINATION

If Defense Attacked 'Not a Medical Doctor'

Q: Doctor, are chiropractors licensed healthcare providers in Texas?

Q: Are you trained specifically in musculoskeletal injuries?

Q: Is that the type of injury involved in this case?

If Defense Attacked Causation

Q: Did either patient report a history of these symptoms before the collision?

Q: The symptoms they described – were they consistent with what you would expect from a rear-end collision?

If Defense Attacked 'Lien' Treatment

Q: Whether you're paid or not, do you provide the same standard of care?

Q: Did you document your findings the same way you would for any patient?

DR. JORGE SAENZA, M.D.

Pain Management Physician – Texas Pain Clinic

DIRECT EXAMINATION

[Non-retained expert. Stronger credentials for causation and prognosis.]

A. Qualifications

- Q: Please state your name and profession.
- Q: What is your medical specialty?
- Q: Where did you attend medical school?
- Q: Where did you complete your residency?
- Q: Are you board certified?
- Q: How long have you been practicing pain management?
- Q: Where do you currently practice?
→ **EXHIBIT: CV – Dr. Saenza (Exhibit 17, if needed)**

B. Treatment of Ms. Saucedo

- Q: Did you treat a patient named Santa Cruz De Leon Saucedo?
- Q: Why was she referred to you?
- Q: When did you first see her?
- Q: What complaints did she present with?
- Q: Did you review any prior records or imaging before your examination?
- Q: What did your examination reveal?
- Q: What was your diagnosis?
→ **EXHIBIT: Medical Records – Texas Pain Clinic (Ms. Saucedo) – Exhibit 5b**

C. Treatment Plan – Ms. Saucedo

- Q: What treatment did you recommend?
- Q: Did you perform injections?
- Q: What kind of injection?
- Q: What is the purpose of that injection?
- Q: Did she respond to the injection?
- Q: Did she experience relief?
- Q: Was that relief permanent or temporary?

D. Causation – Ms. Saucedo

- Q: In your medical opinion, do you have an opinion as to the cause of Ms. Saucedo's pain?
- Q: What is that opinion?
- Q: Is that opinion based on reasonable medical probability?

E. Prognosis – Ms. Saucedo

- Q: Do you have an opinion regarding her prognosis – whether she will fully recover?
- Q: What is that opinion?

F. Treatment of Ms. Martinez

- Q: Did you also treat a patient named Martha Martinez?
- Q: Why was she referred to you?
- Q: What complaints did she present with?
- Q: What was your diagnosis?
- Q: What treatment did you provide?
- Q: Did she respond to treatment?
→ EXHIBIT: Medical Records – Texas Pain Clinic (Ms. Martinez) – Exhibit 6b

G. Causation – Ms. Martinez

- Q: In your medical opinion, was the motor vehicle collision a cause of Ms. Martinez's injuries?
- Q: Is that opinion based on reasonable medical probability?

H. Prognosis – Ms. Martinez

- Q: What is your opinion regarding Ms. Martinez's prognosis?

I. Reasonableness and Necessity

- Q: Was the treatment you provided to both patients reasonable and necessary?
- Q: Were the charges for that treatment reasonable?
→ EXHIBIT: Medical Bills – Texas Pain Clinic: \$5,275 (Sauceda); \$6,925 (Martinez)

J. Soft Tissue Injuries Generally

[Educate the jury.]

- Q: Doctor, can soft tissue injuries cause significant, lasting pain?
- Q: Is it common for soft tissue injuries to not show up on X-rays?
- Q: Can soft tissue injuries require ongoing treatment?
- Q: Is temporary relief followed by return of pain consistent with soft tissue injury?

K. Conclusion

- Q: Thank you, Doctor.
[Pass the witness.]

CROSS-EXAMINATION – ANTICIPATED DEFENSE QUESTIONS

Attacking Causation

- Q: You didn't witness this collision?
- Q: You're relying on what the patient told you?
- Q: People can have back pain without being in a collision?

Attacking Treatment

- Q: Neither patient had surgery?
- Q: The injections only provided temporary relief?
- Q: You can't cure their condition?

Attacking Prognosis

- Q: You can't guarantee they'll have pain forever?
- Q: Some people with similar injuries fully recover?

REDIRECT EXAMINATION

If Defense Attacked 'Temporary Relief'

Q: Is temporary relief from injections consistent with the type of injury you diagnosed?

Q: Does temporary relief mean the injury isn't real?

If Defense Attacked 'No Surgery'

Q: Is surgery always required for an injury to be legitimate?

Q: Is conservative treatment generally tried before surgery?

Q: Can patients have real, ongoing pain without needing surgery?

IRAISY MONTALVO REYNA

Defendant – Driver of 2014 Nissan Sentra

DIRECT EXAMINATION (ADVERSE WITNESS)

[Call as adverse. Leading questions permitted. One fact per question. Stay controlled.]

▲ Do not argue. Do not editorialize. Get admissions and sit down.

A. Basic Facts – Establish the Collision

Q: Ms. Reyna, on September 28, 2017, you were involved in a motor vehicle collision, correct?

Q: You were driving a 2014 Nissan Sentra?

Q: This collision happened on FM 3072 in Hidalgo County?

Q: The other vehicle involved was a Chevrolet HHR?

Q: That vehicle was being driven by Ms. Saucedo?

Q: Ms. Martinez was a passenger in that vehicle?

B. Position of Vehicles

Q: Before the collision, Ms. Saucedo's vehicle was in front of you, correct?

Q: You were behind her vehicle?

Q: Her vehicle was stopped at the time of the collision?

Q: Your vehicle made contact with her vehicle?

Q: That contact was to the rear of her vehicle?

C. No-Passing Zone

Q: You were familiar with that stretch of FM 3072?

Q: You had driven that road before?

Q: There are yellow lines on that road indicating where vehicles should not pass?

Q: You attempted to move your vehicle before the impact?

Q: You were trying to pass or go around her vehicle?

D. Police Investigation

Q: The police came to the scene?

Q: An officer spoke with you?

Q: You're aware the police report indicates you were at fault?

Q: That conclusion was based on the officer's investigation?

E. Admissions

Q: You agree there was a collision?

Q: You agree you were the trailing driver?

Q: You agree Ms. Saucedo's vehicle was stopped?

Q: You agree your vehicle struck hers?

Q: You did not claim that Ms. Saucedo reversed into you?

Q: You did not claim that she suddenly cut you off?

Q: You did not claim another vehicle pushed you into her?

F. Insurance

Q: You had liability insurance at the time of this collision?

Q: You told Ms. Saucedo that you had insurance?

[Do not ask about policy limits – inadmissible.]

G. Conclusion

[Stop. Do not overreach. You have what you need.]

Q: Nothing further.

CROSS-EXAMINATION BY DEFENSE COUNSEL – ANTICIPATED

[Be prepared to object to improper questions.]

Defense Will Try To Establish

- Ms. Saucedo did something unexpected
- The impact was minor
- Defendant was not negligent or was only partially at fault

Objection Reminders

- Object to speculation about Plaintiffs' conduct
- Object to questions about insurance (beyond existence)
- Object to narrative answers on direct exam topics

RE-CROSS EXAMINATION (IF NEEDED)

[Only if defense opened a door. Keep it tight.]

If Defense Claims Saucedá Did Something Wrong

Q: You're not claiming Ms. Saucedá reversed into you, are you?

Q: You're not claiming she suddenly slammed on her brakes in front of you?

Q: She was stopped when you came up behind her, correct?

Q: You were the only one who was moving at the time of impact?

If Defense Minimizes the Impact

Q: There was enough force to cause damage to both vehicles?

Q: Enough force for the police to be called?

Q: Enough force for a crash report to be written?

APPENDIX: EXHIBIT QUICK REFERENCE

EX. #	DESCRIPTION	USE WITH WITNESS
1	Police Report (Officer Valdez)	Valdez, Saucedo, Reyna
2	Scene/Vehicle Damage Photos	Saucedo, Valdez
3	Property Damage Estimate (Vic's Auto)	Saucedo
5a	Medical Records – Chiro Sync (Saucedo)	Saucedo, Gosalvez
5b	Medical Records – Texas Pain Clinic (Saucedo)	Saucedo, Saenza
5c	Medical Records – Upper Valley Radiology (Saucedo)	Saucedo
5d	Medical Records – Digital Views (Saucedo)	Saucedo
6a	Medical Records – Chiro Sync (Martinez)	Martinez, Gosalvez
6b	Medical Records – Texas Pain Clinic (Martinez)	Martinez, Saenza
6c	Medical Records – Upper Valley Radiology (Martinez)	Martinez
6d	Medical Records – Digital Views (Martinez)	Martinez
7	Summary of Medical Expenses	Saucedo, Martinez, Closing
9-11	Deposition Transcripts (Saucedo, Martinez, Reyna)	Impeachment

MEDICAL SPECIALS QUICK REFERENCE

Santa Cruz De Leon Saucedo: \$16,540.00

Chiro Sync: \$7,815 | Texas Pain: \$5,275 | Upper Valley: \$2,500 | Digital Views: \$950

Martha Martinez: \$20,465.00

Chiro Sync: \$7,590 | Texas Pain: \$6,925 | Upper Valley: \$5,000 | Digital Views: \$950

COMBINED TOTAL: \$37,005.00